

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SYED HASAN ARZOO ZAIDI,

No. C 13-01586 WHA

Plaintiff,

v.

ORDER OF DISMISSAL

THOMAS HORTON and CLEM BASON,

Defendants.

Pro se plaintiff Syed Hasan Arzoo Zaidi commenced this action against defendants Thomas Horton and Clem Bason, chief executive officers of American Airlines, Inc. and Hotwire, Inc., respectively. The complaint alleges that plaintiff suffered over ten thousand dollars worth of harm caused by flight delays and the lack of disability accommodations by American Airlines (Compl. ¶ 22).

On May 24, Horton moved to dismiss based upon lack of personal jurisdiction under Rule 12(b)(2) and Bason moved to dismiss based upon improper venue and failure to state a claim. Plaintiff failed to timely respond to the motions in violation of Local Rule 7-3. Accordingly, an order to show cause was issued requiring plaintiff to respond by June 20. No response was received, so a second order to show cause was issued on June 24. Instead of filing an opposition to defendants' motions to dismiss, plaintiff (1) requested leave to amend his complaint to substitute Hotwire and American Airlines as defendants instead of their respective CEOs Clem Bason and Thomas Horton, and (2) requested that the action be transferred to the San Jose division given plaintiff's medical condition. On July 9, plaintiff's motion to amend his

1 complaint was denied and motion for intradistrict transfer was held in abeyance until plaintiff
2 paid defendant Horton the costs of preparing his motion to dismiss or showed why he should not
3 reimburse Horton for the attorney's fees. Horton incurred \$8,054.50 in attorney's fees to prepare
4 his motion to dismiss (Chou Decl. ¶ 6).

5 Plaintiff claimed that he was unable to reimburse Horton for the attorney's fees because
6 of his limited sources of income and assets (Plaintiff First Supp. Br. at 1, Dkt. No. 30). Plaintiff
7 was ordered on August 1 to provide additional facts under oath regarding his finances and
8 inconsistencies in his complaint. Plaintiff failed to show why he was unable to reimburse Horton
9 for the attorney's fees because plaintiff's responses to this Court's queries were inconsistent,
10 incomplete, and unconvincing.

11 Plaintiff was notified that if he wished to file an amended complaint, he must do so by
12 August 30, 2013, and append proof of payment to defendant Horton. Plaintiff was warned that
13 failure to do either will result in dismissal of the action with no leave to amend and judgment
14 entered for defendants. August 30 has come and gone, and plaintiff has not yet filed an amended
15 complaint or submitted proof of payment to defendant Horton.

16 For the reasons set forth above, all claims asserted by plaintiff are **DISMISSED WITHOUT**
17 **LEAVE TO AMEND.** Judgment will be entered accordingly.

18
19 **IT IS SO ORDERED.**

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21 Dated: September 3, 2013.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE